

AMENDED IN ASSEMBLY APRIL 3, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1678

Introduced by ~~Committee on Elections, Redistricting and Constitutional Amendments (Longville (Chair), Samuelian (Vice Chair), Jerome Horton, Levine, Nunez, and Strickland)~~
Assembly Member Negrete McLeod

February 21, 2003

~~An act to amend Section 81008 of the Government Code, relating to the Political Reform Act of 1974. An act to amend Section 87407 of the Government Code, relating to the Political Reform Act of 1974.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1678, as amended, ~~Committee on Elections, Redistricting and Constitutional Amendments~~ *Negrete McLeod*. Political Reform Act of 1974: ~~open records~~ *conflicts of interest*.

Under the existing Political Reform Act of 1974, a public official is defined to include every member, officer, employee, or consultant of a state or local government agency, as specified. Under existing law, a state administrative official, elected state officer, or designated employee of the Legislature may not make, participate in making, or use his or her official position to influence, any governmental decision directly relating to any person with whom he or she is negotiating, or has any arrangement concerning, prospective employment.

This bill would apply this prohibition to all public officials.

Existing law makes a violation of the act subject to administrative, civil, and criminal penalties.

This bill would impose a state-mandated local program by imposing these penalties on persons who violate the provisions of this bill.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes with a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements.

This bill, which would declare that it furthers the purposes of the act, would therefore require a $\frac{2}{3}$ vote.

~~Under the existing Political Reform Act of 1974, on the Saturday preceding an election held on the 1st Tuesday after the 1st Monday in June or November in an even-numbered year, campaign statements are required to be open for public inspection and reproduction at the offices of specified state and local agencies.~~

~~This bill would instead require that the campaign records be open for inspection and reproduction, in even-numbered years, on the Saturday preceding an election held on both the 1st Tuesday in March and the 1st Tuesday after the 1st Monday in November.~~

~~The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes with a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements. This bill, which would declare that it furthers the purposes of the act, would therefore require a $\frac{2}{3}$ vote.~~

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 81008 of the Government Code is~~
- 2 *SECTION 1. Section 87407 of the Government Code is*
- 3 *amended to read:*
- 4 ~~87407. No state administrative official, elected state officer,~~
- 5 ~~or designated employee of the Legislature public official shall~~
- 6 ~~make, participate in making, or use his or her official position to~~
- 7 ~~influence, any governmental decision directly relating to any~~

1 person with whom he or she is negotiating, or has any arrangement
2 concerning, prospective employment.

3 *SEC. 2. No reimbursement is required by this act pursuant to*
4 *Section 6 of Article XIII B of the California Constitution because*
5 *the only costs that may be incurred by a local agency or school*
6 *district will be incurred because this act creates a new crime or*
7 *infraction, eliminates a crime or infraction, or changes the penalty*
8 *for a crime or infraction, within the meaning of Section 17556 of*
9 *the Government Code, or changes the definition of a crime within*
10 *the meaning of Section 6 of Article XIII B of the California*
11 *Constitution.*

12 *SEC. 3. The Legislature finds and declares that the provisions*
13 *of this act further the purposes of the Political Reform Act of 1974*
14 *within the meaning of subdivision (a) of Section 81012 of the*
15 *Government Code.*

16 ~~amended to read:~~

17 ~~81008.—(a) Every report and statement filed pursuant to this~~
18 ~~title is a public record open for public inspection and reproduction~~
19 ~~during regular business hours, commencing as soon as practicable,~~
20 ~~but in any event not later than the second business day following~~
21 ~~the day on which it was received. No conditions whatsoever shall~~
22 ~~be imposed upon persons desiring to inspect or reproduce reports~~
23 ~~and statements filed under this title, nor shall any information or~~
24 ~~identification be required from such persons. Copies shall be~~
25 ~~provided at a charge not to exceed ten cents (\$0.10) per page. In~~
26 ~~addition, the filing officer may charge a retrieval fee not to exceed~~
27 ~~five dollars (\$5) per request for copies of reports and statements~~
28 ~~which are five or more years old. A request for more than one~~
29 ~~report or statement or report and statement at the same time shall~~
30 ~~be considered a single request.~~

31 ~~(b) Campaign statements shall be open for public inspection~~
32 ~~and reproduction from 9:00 a.m. to 5:00 p.m. on the Saturday~~
33 ~~preceding an election held on the first Tuesday in March or the first~~
34 ~~Tuesday after the first Monday in November in even-numbered~~
35 ~~years in the offices of Secretary of State, Registrar-Recorder of~~
36 ~~Los Angeles County, Registrar of Voters of San Diego County and~~
37 ~~Registrar of Voters of the City and County of San Francisco.~~

38 ~~SEC. 2.—The Legislature finds and declares that the provisions~~
39 ~~of this act further the purposes of the Political Reform Act of 1974~~

1 ~~within the meaning of subdivision (a) of Section 81012 of the~~
2 ~~Government Code.~~

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